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Attorneys

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Michele M. Vercoski

Elaine S. Kusel

Daniel H. Chang

Joseph G. Sauder

Matthew D. Schelkopf

Joseph B. Kenney

Emily J. Kirk

Practice Areas

Automobile Defects and False Advertising

Consumer Fraud Class Actions

Contingency Commercial Litigation

Employee Rights Class Action

General Complex Litigation

Personal Injury & Wrongful Death

Successes

Richard D. McCune, Partner

Richard McCune is a partner of McCuneWright. He has 22 years of experience in representing Inland Empire and Southern California Plaintiffs in product liability, class action, serious personal injury, and business fraud cases.

His trial and settlement success have resulted in his achieving the highest rating possible (AV) from Martindale-Hubbell. He is also a member of the Multi-Million Dollar Advocates Forum reserved for attorneys achieving multi-million dollar trial or settlement results for their clients. He was one of the select finalists for 2011 California Consumer Attorney of the Year. He frequently lectures at attorney conferences, where he has made presentations on banking class actions, foreclosure class actions, and automobile product liability cases. He was appointed by Judge Selna to the executive committee for the personal injury/wrongful death cases in the high profile Toyota sudden unintended acceleration litigation. As part of representing his clients, he has been featured on numerous news shows, including The Today Show and CNN, as well as quoted and interviewed for wide ranging newspapers and magazines including LA Times, Forbes, Sacramento Bee, San Bernardino Sun and The Economist.

Richard McCune's successful results for his clients include a \$203 million class action verdict in 2010 on behalf of the 1.14 million California Wells Fargo Bank customers for unfair bank overdraft fees. He has been involved in numerous settlements and verdicts that have generated over one million dollars for individual clients.



David C. Wright, Partner

David Wright is a partner of McCuneWright. Prior to 2001, David was one of the elite attorneys prosecuting major crimes for the United States Attorney's Office.

Since leaving the U.S. Attorney's Office in 2001, David has taken that experience as a prosecutor and successfully prosecuted numerous defective product cases against some of the nation's largest corporations. Prior to working at the U.S Attorney's Office, Mr. Wright clerked for the Honorable Stephen S. Trott, United States Court of Appeals for the Ninth Circuit.

His training, experience, and trial skills in this specialized field enable him to identify, understand, and present to a jury the difficult and complicated issues of how an accident and injury occurred and how the tragic results could have been avoided by use of a safer design.

As a partner at McCuneWright, Mr. Wright is the only Inland Empire attorney that focuses his practice on the representation of clients who have suffered catastrophic injury or the death of a loved one because of a dangerous product.



Kristy M. Arevalo, Partner

As a partner at McCuneWright, Kristy Arevalo has established herself as one of the Inland Empire's top plaintiff's attorneys in the legal fields of personal injury and wrongful death, consumer fraud class actions and product liability.



Ms. Arevalo is dedicated to obtaining just redress for her clients while holding individuals, corporations and entities responsible for defective and dangerous actions, products and pharmaceuticals. Ms. Arevalo has litigated and settled multiple cases involving the recalled DePuy ASR hips and is active in many multidistrict and coordinated litigations around the country involving defective drugs and medical devices, such as the DePuy Pinnacle hips, Wright Medical hips, Inferior Vena Cava (IVC) filters and Essure birth control. In addition to her mass torts practice, Ms. Arevalo handles catastrophic injury and wrongful death cases and manages the personal injury division of McCuneWright.

Ms. Arevalo grew up in Southern California and graduated with honors from the University of California, Irvine. Immediately after graduating from Loyola Law School in Los Angeles, California, Ms. Arevalo joined McCuneWright. For over 14 years she has worked diligently to help those who have been injured or wronged. In addition to her busy litigation practice, Ms. Arevalo is actively involved in the Consumer Attorneys of California (CAOC) and is a graduate of CAOC's 2015 Leadership Academy. She is also involved in the Inland Empire Chapter of CAOC and the CAOC Women's Caucus. She was selected as a Super Lawyers Rising Star in 2016, an honor bestowed on less than 2% of California attorneys aged 40 and younger. Ms. Arevalo is also a regular speaker for the Association of Certified Fraud Examiners given her experience in commercial litigation.

Ms. Arevalo has argued in front of the California Court of Appeals and has tried multiple cases to verdict. She is currently the managing partner at McCuneWright. Ms. Arevalo will be speaking at HarrisMartin's MDL Conference on pharmaceutical and environmental mass tort litigation in Santa Barbara on March 30, 2016. She will be discussing the ongoing litigation against Essure, a potentially harmful birth control method.

Eddie Jae K. Kim, Partner

Eddie Jae K. Kim first joined McCuneWright in 2007. He is a partner of McCuneWright.

After receiving his Bachelor of Arts degree from the University of California, Berkeley, in 2001, he then attended Cornell Law School, earning his J.D. in 2004. While at Cornell, Mr. Kim was awarded the prestigious Seymour Herzog Memorial Prize for demonstrating excellence in the study of law and, in particular, commitment to public interest law. Additionally, he was Vice President of the Asian American Law Student Association.

Mr. Kim's practice focuses on the representation of clients in business and consumer fraud cases.



Michele M. Vercoski, Partner

Michele M. Vercoski first joined McCuneWright in 2007. She is a partner of McCuneWright.

She received her Bachelor of Science degree from Rutgers College of Nursing in 2001, where she was a Dean's List honoree. Michele then attended Tulane University Law School earning her J.D. degree in 2004, graduating Order of the Coif and magna cum laude. While at Tulane, Michele was the recipient of the CALI Excellence for the Future Award signifying the highest grade in each of the following courses: Secured Transactions, Administrative Law and Health Law Practice Seminar.

Prior to beginning her plaintiff's practice, Ms. Vercoski clerked for Judge, Steven L. Lefelt, New Jersey Superior Court, Appellate Division.



Elaine S. Kusel, Partner

Elaine S. Kusel first joined McCuneWright in 2008. She is a partner of McCuneWright. As a nationally renowned class action attorney, she performs a significant role in the McCuneWright Consumer Fraud Class Action division. Elaine is a member of the New York Bar Association.



After college, Ms. Kusel spent eight years working in the U.S. House of Representatives, where she eventually served as Legislative Director and Counsel to a Member of Congress serving on the House Commerce Committee.

After graduating from law school, her practice has included fraud litigation, mass torts, and international human rights law. Among the notable cases she's prosecuted are *in re Lucent Technologies Securities Litigation*; *Abdullahi v. Pfizer*, a case in which she represented Nigerian children enrolled in a clinical trial by Pfizer without their families' informed consent and *Gutierrez v. Wells Fargo Bank, N.A.*, a case in which her work helped secure a \$203 million dollar class action verdict.

Daniel H. Chang, Associate

With over 19 years' experience as an attorney, Daniel Chang has represented clients ranging from individuals and small businesses, to major banking institutions and multi-national corporations.

Mr. Chang graduated with a Bachelor of Arts degree from the University of California, Los Angeles in 1991. In 1996 he received his J.D. from Golden Gate University School of Law, where he was a Law Merit Tuition Scholar. Mr. Chang has been approved as class counsel in both Federal and State Court throughout California. Since 2005, and prior to joining McCuneWright, Mr. Chang's practice was primarily devoted to representing plaintiffs in class actions, including wage and hour and consumer warranty matters.

Mr. Chang's practice focuses on the representation of clients in business and consumer fraud cases.



Joseph G. Sauder, Partner

Joseph G. Sauder, is a Partner in the East Coast office. He has successfully prosecuted cases throughout the country and over the last five years has recovered in excess of \$100 million on behalf of his consumer and business clients.

Since 2012, Mr. Sauder has been selected by the National Trial Lawyers Association as one of the Top 100 Trial Lawyers in Pennsylvania. Since 2011, Mr. Sauder has been selected as a Pennsylvania SuperLawyer, a distinction held by the top 5% of attorneys in PA, as chosen by their peers and through the independent research of Law & Politics. The American Lawyer Media, publisher of The Legal Intelligencer and the Pennsylvania Law Weekly, named Mr. Sauder as one of the "Lawyers on the Fast Track" a distinction that recognized thirty-five Pennsylvania attorneys under the age of 40 who show outstanding promise in the legal profession and make a significant commitment to their community.

From 1998 to 2003, Mr. Sauder was a prosecutor in the Philadelphia District Attorney's Office where he tried hundreds of criminal cases to verdict. Mr. Sauder received his Bachelor of Science, magna cum laude in Finance from Temple University in 1995. He graduated from Temple University School of Law in 1998, where he was a member of Temple Law Review.

Mr. Sauder is admitted to practice before the Supreme Courts of Pennsylvania and New Jersey, the United States Court of Appeals for the Third Circuit, the United States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the District of New Jersey and the District of Colorado. Mr. Sauder currently serves as a lead counsel in numerous class actions related to product, construction and automotive defect cases pending throughout the country.



Matthew D. Schelkopf, Partner

Matthew D. Schelkopf, a Partner in the East Coast office, has extensive trial and courtroom experience. Mr. Schelkopf devotes his practice to litigation, with an emphasis on class actions involving automotive defects, consumer protection, defective products and mass torts litigation.



While working towards his juris doctorate, Mr. Schelkopf was an active member of the Trial Advocacy Society and an Executive Board Member of the Moot Court Honor Society. In 2000, he attended the University of Geneva Graduate Institute in Geneva, Switzerland where he studied health law and international criminal law. He was one of five students inducted into the National Order of Barristers in 2002.

After graduation, Mr. Schelkopf became a criminal prosecutor with the District Attorney's Office of York County. He litigated 27 jury trials and over 50 bench trials. He quickly progressed to Senior Deputy Prosecutor where he headed a trial team responsible for approximately 300 felony and misdemeanor cases each quarterly trial term. During this period, he wrote and implemented a county handbook explaining extradition procedures used in the return of fugitives to Pennsylvania.

In 2004, Mr. Schelkopf became a full-time associate with a suburban Philadelphia area law firm and focused on civil trial litigation throughout Pennsylvania and New Jersey. In 2006, he was assistant counsel in a Philadelphia County trial resulting in a \$30,000,000.00 jury verdict in favor of his clients – the largest state verdict recorded for that year. He has also been responsible for numerous appeals establishing a revised application of the law in both New Jersey and Pennsylvania. See C.W. v. Cooper Health

System, 388 N.J. 42 (NJ App. 2006) and Miller v. Ginsberg, 2005 Pa. Super 136 (Pa. Super. 2005).

Mr. Schelkopf has presented oral arguments before the Pennsylvania and New Jersey appellate courts. He has served as a volunteer judge for the annual University of Pennsylvania mock trial competitions. He has organized group participation in the Habitat for Humanity foundation and currently works in a pro bono capacity with both the Montgomery Child Advocacy Project and the Legal Aid of Southeastern Pennsylvania. Outside of the office, Mr. Schelkopf enjoys spending time with his family, mountain and road biking, skiing and restoring classic automobiles. Three of his auto restorations have been featured in nationally circulated automotive publications.

Joseph B. Kenney, Associate

Joseph B. Kenney is an Associate in the East Coast Office. Joe has experience representing consumers in class actions involving defective products, automotive defects, false and misleading advertising, and other consumer protection litigation.



Joe received his J.D., *cum laude*, from Villanova University School of Law in 2013. He was elected as a Managing Editor of Student Works for the Jeffrey S. Moorad Journal of Sports Law for his third year of law school. As a staff writer, his comment was selected for publication in the Spring 2012 Volume of the Journal. Prior to law school, Joe attended Ursinus College where he was a member of the men's varsity soccer team.

Joe is admitted to practice before the Supreme Courts of Pennsylvania and New Jersey and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey.

Emily J. Kirk, Associate

Emily has nearly 10 years of experience leading complex litigation and class actions on behalf of plaintiffs in product liability, personal injury, environmental, and business fraud cases. In one of Emily's most notable cases, she represented a small publicly-traded company against its dominant competitor in a lawsuit involving antitrust allegations. The matter resulted in a business deal and settlement under which the client received tens of millions of dollars.



Emily previously served as counsel to the U.S. Senate's Committee on Governmental Affairs, Oversight of Government Management Subcommittee. She advised the subcommittee on regulatory oversight issues and reform in the areas of federal personal, homeland security, and food safety. She also helped the subcommittee negotiate and advocate for the passage of key legislative provisions. After leaving the Senate, Emily returned to her home in Southern IL where she worked for as an associate attorney for one of the region's largest plaintiff-focused firms. Emily also worked as an associate attorney in the business litigation department at Thompson Coburn LLP in downtown St. Louis, MO.

In 2009, U.S. Senator Dick Durbin appointed Emily to a bipartisan screen committee that selected Stephen Wigginton as the U.S. Attorney for the Southern District of Illinois.

Emily graduated from Washington University School of Law in St. Louis, MO. In addition to her litigation practice, Emily is involved in the American Bar Association Section of Litigation where she serves as an editor for the Solo and Small Firm Committee. She is also the former Chair of the Board of Directors for the Illinois YMCA Youth and Government Program, an organization she continues to volunteer with on an annual basis.

Automobile Defects and False Advertising

Automotive defects are often times undiscoverable at the time of purchase. Instead, a poor design or bad manufacturing process by the manufacturer results in premature part failure and expense to the consumer down the road. When the defect presents itself, the vehicle may not even be drivable or simply presents such a safety issue to passengers and others on the road that it should not be driven. The attorneys at McCuneWright offer a free consultation to help you understand your legal rights.

Consumer Fraud Class Actions

Consumer fraud class actions are cases where a group of consumers have been harmed in a similar way by large corporate defendants who have engaged in fraud in manufacturing, marketing, or selling their product or service. While the individual damages to each client may be small, the importance of holding large corporations accountable for unfair, deceptive, and illegal business practices is extremely important. Cumulative losses by a group of consumers can often reach tens or hundreds of millions of dollars. The \$203 million verdict against Wells Fargo for illegal overdraft fees on behalf of the more than one million Wells Fargo California customers is an example of McCuneWright's experience and success in Consumer Fraud Class Action cases.

Consumers and small business owners are often the victims of fraud in the form of unfair business practices and unreasonable breach of contract by large corporations that put profits before people.

When the harm involves a small loss by a very large number of consumers, such as undisclosed fee by banks or credit card companies, a consumer fraud class action may be appropriate. These are cases where thousands of consumers, via a class representative serving as the named plaintiff, bring a single lawsuit to recover damages for all of the harmed consumers.

In the past several years the attorneys at McCuneWright have been representing millions of consumers against many nationally known corporations for deceptive and unfair business practices.

Contingency Commercial Litigation

McCuneWright's contingency commercial litigation practice area is a natural extension of the consumer fraud class action area. In commercial litigation, McCuneWright, represents small to mid-size companies who have been severely harmed by the unlawful, unfair, and illegal conduct of larger, more powerful businesses and corporations.

McCuneWright, LLP serves as counsel on a contingency basis, with no legal fees until we are successful on certain matters impacting business owners. Small to medium-sized businesses may have a serious legal problem that must be addressed with a high level of professional skill. Our legal team is highly competent, and provides contingency commercial litigation services for a range of legal cases, including business torts, cases of fraud, corporate interference, slander, libel, contract disputes, cases involving intellectual property, or real estate legal matters, as well as many other business law issues. Get in touch for immediate assistance.

Employee Rights Class Action

McCuneWright has a longstanding history of protecting the rights of everyday people including their rights in the workplace. Employees are afforded protections under state and federal law. When an employees' rights are violated by their employers, McCuneWright may be able to help individuals and groups (also called classes) seek recourse by holding employers accountable for their actions. Holding employers accountable for failing to act lawfully benefits all workers across industries.

At McCuneWright, LLP, we represent employees in class action cases. Our litigation team takes on cases involving discrimination for race, color, country of origin, religion, gender, sexual orientation and similar issues. We also serve as counsel in class action cases regarding wage and hour violations, vacation time or more complex matters such as misuse of employee retirement funds. Whether you are a potential whistleblower, or your case is associated with any technical or creative legal matter, we are prepared to discuss your case with you and advise you about how to move forward against your employer. Our breadth of knowledge allows us to work with confidence on cases across a wide spectrum of industries, from the highly technical, to the creative, and countless others. We invite you to reach out to us for legal help you can trust.

General Complex Litigation

McCuneWright's practice is concentrated in the representation of plaintiffs in complex litigation. Its four main practice areas are consumer fraud class actions, catastrophic personal injury and wrongful death cases, contingency commercial litigation, and general complex litigation. While there are significant differences in the financial, physical, and emotional trauma clients in these varying practice areas experience, there is one critical common thread: justice must be restored.

Every type of business eventually runs into a more complex legal problem that must be resolved, and with the least financial damage possible. At McCuneWright, LLP, our litigation team has impressive legal skills to bring to the table in a range of matters. Whether your legal issue is related to regulatory matters, procedural matters, or other problem, our breadth of knowledge and experience in the most complex cases can benefit you and your business. Whether your case goes to trial, is handled in mediation, or resolved through other legal means, we work intelligently, strategically, and prepare every case as if for trial, which typically leads to a more favorable outcome.

Personal Injury and Wrongful Death Cases

Catastrophic personal injury and wrongful death cases arise in a number of different ways where the negligence of a person or company causes harm to others. McCuneWright's recent \$4.282 verdict for a ski boat manufacturing defect, and the \$850,000 trial verdict for trucking accident injuries, are examples of McCuneWright's experience and success in Personal Injury cases.

At McCuneWright, LLP, we take on cases of serious or catastrophic injury. Our objective is to seek full justice for those we represent. Our team of trial lawyers is exceptionally talented, dedicated, and fully committed to protecting the rights and interests of injured victims. Whether your case is associated with a pharmaceutical product, faulty medical device, vehicle, tool, or other consumer product, our firm can help you seek fair compensation. Our track record speaks for itself; we are unrelenting when pursuing justice and full compensatory damages for people who have suffered life-changing injuries, and for families who have lost a loved one through an act of negligence or wrongdoing.

Highlighted Successes

For those whose lives have been physically, emotionally, or financially altered through the fault of others, the selection of a law firm may be the most critical decision they will make for their future. McCuneWright has an outstanding group of experienced attorneys who are responsible for hundreds of millions of dollars in verdicts and settlements in complex litigation cases.

- Member of the leadership team that settled the Toyota Sudden Unintended Acceleration class action for an estimated **\$1.6 billion**
- **\$203** million trial verdict in a class action for unfair bank overdraft fees
- **\$35** million national class action settlement for unfair overdraft fees
- **\$2.5** million settlement for paralysis injuries in auto accident
- **\$11** million settlement for injuries from auto accident
- **\$2.25** million for injuries from SUV rollover accident
- **\$975,000** for injuries from seat belt malfunction in auto accident
- **\$2.675** million for injuries in pick up fire accident
- **\$4.282** million ski boat manufacturing defect verdict
- **\$650,000** for injuries from seat belt malfunction in auto accident
- **\$5.5** million for injuries in van rollover product failure accident
- **\$850,000** settlement for boat carbon monoxide poisoning death
- **\$1.5** million settlement for injuries from defective pharmaceutical drug
- **\$1.5** million class action settlement in consumer fraud case

- **\$850,000** trial verdict for injuries from trucking accident
- **\$1.7** million for paralysis injuries from SUV rollover accident
- **\$2.7** million settlement for defective medical device